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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
12 **FRESNO DIVISION**

12 NANCY ANN GOODWILL,

13 Plaintiff,

14 v.

15 KILOLO KIJAKAZI, Acting
16 Commissioner of Social Security,

17 Defendant.

Case No. 1:22-cv-01017-EPG

**STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT; ORDER**

(ECF No. 25)

18 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
19 subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount
20 of SEVEN THOUSAND DOLLARS AND 00/100 (\$7,000.00) under the Equal Access to Justice Act
21 (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C.
22 §1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by
23 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

24 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
25 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,
26 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
27 whether the fees are subject to any offset allowed under the United States Department of the
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Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Counsel, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered and made payable to Plaintiff's counsel, Jonathan O. Peña.

Plaintiff's net worth did not exceed \$2,000,000.00 when this action was filed.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Counsel including Counsel's firm may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Counsel and/or Counsel's firm to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

Dated: August 28, 2023

/s/ Jonathan O. Peña

JONATHAN O. PEÑA

Attorney for Plaintiff

Dated: August 28, 2023

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Office of Program Litigation

Social Security Administration

By: * Edmund J. Darcher

Edmund J. Darcher

Special Assistant U.S. Attorney

Attorneys for Defendant

(*Permission to use electronic signature
obtained via email on August 28, 2023).

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (ECF No. 25), **IT IS ORDERED** that fees and expenses in the amount of SEVEN THOUSAND DOLLARS AND 00/100 (\$7,000.00) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) and costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C. §1920, be awarded subject to the terms of the stipulation. Given the parties' stipulation, the Clerk of Court is directed to terminate Plaintiff's motion for attorney fees (ECF Nos. 20, 21).

IT IS SO ORDERED.

Dated: August 29, 2023

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE